

Message Text

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ACTION ARA-17

INFO OCT-01 ADP-00 AID-20 CIAE-00 DODE-00 PM-09 H-02

INR-09 L-03 NSAE-00 NSC-10 PA-03 RSC-01 PRS-01 SS-14

USIA-12 T-03 OMB-01 NIC-01 PC-04 RSR-01 /112 W
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R 171630 Z MAR 73

FM AMEMBASSY MANAGUA

TO SECSTATE WASHDC 1016

INFO AMEMBASSY SAN SALVADOR

AMEMBASSY SAN JOSE

AMEMBASSY TEGUCIGALPA

AMEMBASSY GUATEMALA

USCINCSO

C O N F I D E N T I A L MANAGUA 1650

REF: MANAGUA 1377

USCINCSO FOR POLAD

1. THE FOLLOWING IS AN EMBASSY TRANSLATION OF DECREE NUMBER 98 WHICH WAS PASSED BY THE NATIONAL CONSTITUENT ASSEMBLY ON MAR 1, APPROVED BY THE NATIONAL GOVERNING COUNCIL ON MARCH 6 AND PUBLISHED IN THE OFFICIAL GAZETTE ON MARCH 9:

QUOTE: ARTICLE 1. UNTIL DECEMBER 31, 1973, ANY MEETING OR PUBLIC ACTIVITY OF A POLITICAL NATURE OR DISTURBING OF PUBLIC ORDER (TUMULTUARIO) IS PROHIBITED. WHOEVER PROMOTES THIS TYPE OF ACTIVITIES OR TAKES PART IN THEM, WILL BE PENALIZED WITH FINES OF FROM ONE TO FIVE THOUSAND CORDOBAS (US\$143 TO \$715) THE FIRST TIME, AND WITH THIS SAME FINE PLUS INCOMMUTABLE IMPRISONMENT FOR 30 DAYS IF THEY REPEAT.

ARTICLE 2. THIS LAW WILL TAKE EFFECT IN ALL OF THE REPUBLIC FROM THE DATE OF ITS PUBLICATION IN THE OFFICIAL GAZETTE.
UNQUOTE.

2. AS REPORTED MANAGUA 1377, THE BAN ON ALL POLITICAL ACTIVITY
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WAS PASSED BY THE ASSEMBLY IMMEDIATELY FOLLOWING THE OUSTER OF DR. AGUERO FROM THE NATIONAL GOVERNING COUNCIL. ALTHOUGH FIVE LIBERAL DEPUTIES INTRODUCED THE MEASURE, THEY REPORTELY DID SO AT THE REQUEST OF THE PAGUAGA CONSERVATIVE GROUP WHICH WAS SEEKING A METHOD TO BLOCK AGUERO FROM HOLDING A PCN CONVENTION. THE PROPOSAL WAS UNANIMOUSLY APPROVED IN THE ASSEMBLY, BUT THE 27 AGUERO DEPUTIES HAD ALREADY LEFT THE CHAMBER FOLLOWING HIS OUSTER.

3. COMMENT: THE GOVERNMENT'S CONDUCT TO DATE SUGGESTS THAT IT WILL PROBABLY NOT TRY TO RIGIDLY ENFORCE ITS PROHIBITION OF POLITICIAL ACTIVITY, AND THEREBY RISK POTENTIALLY EMBARRASSING INCIDENTS. FOR EXAMPLE, THE GON HAS NOT INTERFERRED WITH AGUERO'S POLITICAL MEETINGS IN THE DEPARTMENTS SINCE MARCH 9. EVEN THOUGH SUCH EVENTS COULD CONCEIVABLY COME UNDER THE BAN, HOWEVER, THE GOVERNMENT CANNOT TOLERATE OUTRIGHT DEFIAENCE OF THE LAW. THE FIRST REAL TEST OF THIS NATURE WILL PROBABLY BE THE APRIL 1 PCN CONVENTION AT MASAYA. AUGERO IS PROCEEDING WITH PLANS FOR THE CONVENTION ON THE GROUNDS THAT THE CONSTITUTION GUARANTEES THE RIGHT OF ASSEMBLY " UNDER A ROOF" (BAJO TECHO) AND THE MEETING WILL BE HELD IN A LOCAL CINEMA. SINCE THE PENALTY FOR FIRST OFFENSES IS ONLY A FINE, THE GON MIGHT SIMPLY LEVY THE FINE ON PERSONS PARTICIPATING AND AVOID AN ACTUAL PHYSICAL CONFRONTATION BETWEEN NATIONAL GUARD ENFORCERS AND CONSERVATIVE CONVENTION DELEGATES. IN ADDITION, THE MERE THREAT OF SUCH A HEAVY FINE, MAY WELL HAVE A DETERRENT EFFECT ON PARTICIPATION. IN ANY EVENT, THE LAW PROVIDES AMPLE GROUNDS FOR THE GON TO DECLARE THE PROCEEDINGS AND ANYTHING RESULTING FROM THEM ILLEGAL.

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